



PATENT  
Attorney Docket 036870-5045-14

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Michael Zasloff *et al.*** )  
 )  
Application No. **10/824,661** ) Art Unit: **1616**  
 )  
Filed: **April 15, 2004** ) Examiner: **Not Assigned**  
 )  
For: **Aminosterol Compounds Useful as** )  
 **Inhibitors of the Sodium/Proton Exchanger** )  
 **(NHE), Pharmaceutical Methods and** )  
 **Compositions Employing Such Inhibitors,** )  
 **and Processes for Evaluating the NHE-** )  
 **Inhibitory Efficacy of Compounds** )

Commissioner for Patents  
Washington, D.C. 20231

**PETITION FOR ACCEPTANCE OF DRAWINGS**

In response to the Notice to File Missing Parts of Nonprovisional Application dated June 28, 2004, Applicants petition for the acceptance of attached Figures 17A and 17B. Applicants contend that Figures 17A and 17B are in fact part of the instant application in view of the following facts.

- The instant application, as amended in the Second Preliminary Amendment (copy attached), makes the following priority claim:

“The present application is a continuation application of Application No. 09/985,417, filed November 2, 2001, which is a continuation application of Application No. 09/198,486, filed November 24, 1998, which is a continuation application of Application No. 08/487,443, filed June 7, 1995, now U.S. Patent No. 5,847,172, all of which are herein incorporated by reference in their entirety.”

- U.S. Patent Application No. 08/487,443 included Figures 17A and 17B when filed and the patent that issued from the application (U.S. Patent No. 5,847,172) issued with Figures 17A and 17B. A copy of U.S. Patent No. 5,847,172 showing Figures 17A and 17B (sheet 20 of 20), is attached hereto.

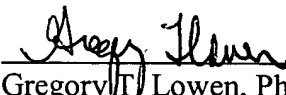
The priority claim made in the instant application clearly claims benefit of the 08/487,443 application and incorporates by reference the 08/487,443 application (including the figures) in its entirety. Therefore, Applicants respectfully submit that Figures 17A and 17B are already a part of the instant application and are thus entitled to the April 15, 2004 filing date of the instant

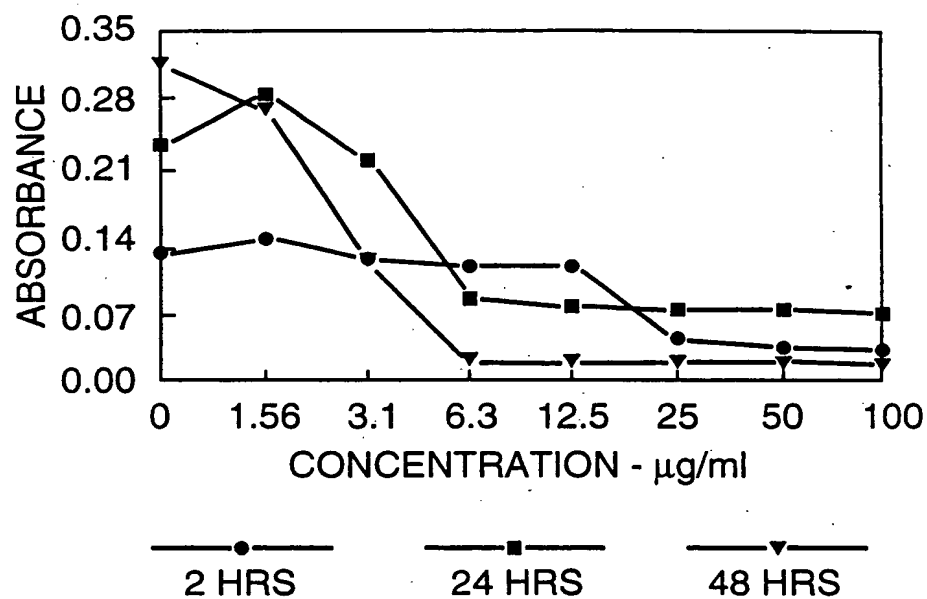
The Commissioner is hereby authorized to charge **\$130.00** to Deposit Account No. 50-0310 for payment of the petition fee as set forth on the accompanying transmittal form.

**Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and § 1.17 which may be required, including any required extension of time fees, or to credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. § 1.136(a)(3).

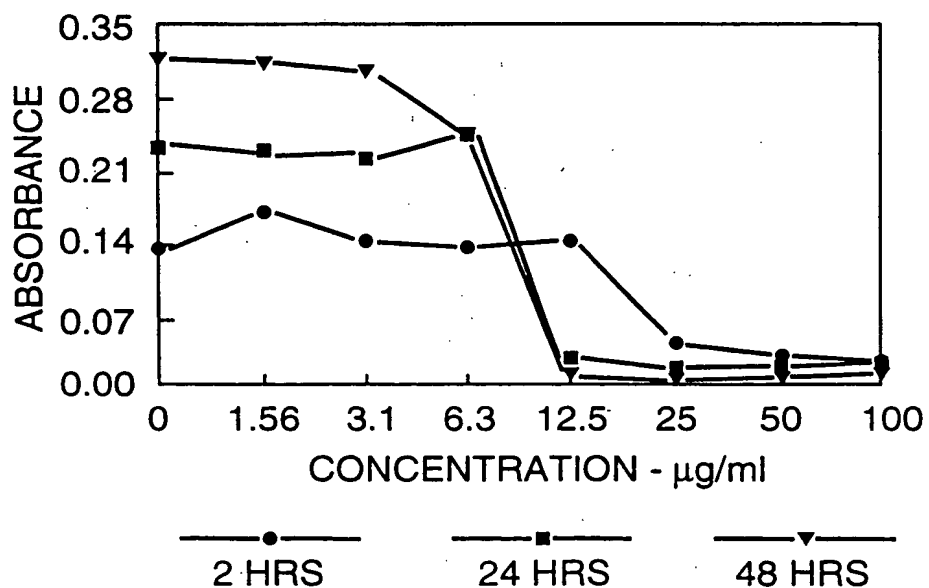
Dated: **August 30, 2004**  
Morgan, Lewis & Bockius LLP  
Customer No. **09629**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Tel: 202-739-3000  
Fax: 202-739-3001

Respectfully submitted,  
**Morgan, Lewis & Bockius LLP**

  
\_\_\_\_\_  
Gregory T. Lowen, Ph.D.  
Registration No. 46,882  
Direct: 202-739-5915



**FIG. 17A**



**FIG. 17B**